

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action
)	No. 13-10200-GAO
)	
DZHOKHAR A. TSARNAEV, also)	
known as Jahar Tsarni,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.
UNITED STATES DISTRICT JUDGE

JURY TRIAL - DAY FORTY-FIVE

John J. Moakley United States Courthouse
Courtroom No. 9
One Courthouse Way
Boston, Massachusetts 02210
Wednesday, April 8, 2015
9:21 a.m.

Marcia G. Patrisso, RMR, CRR
Official Court Reporter
John J. Moakley U.S. Courthouse
One Courthouse Way, Room 3510
Boston, Massachusetts 02210
(617) 737-8728

Mechanical Steno - Computer-Aided Transcript

1 APPEARANCES:

2 OFFICE OF THE UNITED STATES ATTORNEY

3 By: William D. Weinreb, Aloke Chakravarty and
4 Nadine Pellegrini, Assistant U.S. Attorneys
5 John Joseph Moakley Federal Courthouse
6 Suite 9200
7 Boston, Massachusetts 02210

8 - and -

9 UNITED STATES DEPARTMENT OF JUSTICE

10 By: Steven D. Mellin, Assistant U.S. Attorney
11 Capital Case Section
12 1331 F Street, N.W.
13 Washington, D.C. 20530
14 On Behalf of the Government

15 FEDERAL PUBLIC DEFENDER OFFICE

16 By: Miriam Conrad, Federal Public Defender
17 51 Sleeper Street
18 Fifth Floor
19 Boston, Massachusetts 02210
20 - and -

21 CLARKE & RICE, APC

22 By: Judy Clarke, Esq.
23 1010 Second Avenue
24 Suite 1800
25 San Diego, California 92101
- and -

LAW OFFICE OF DAVID I. BRUCK

By: David I. Bruck, Esq.
220 Sydney Lewis Hall
Lexington, Virginia 24450
On Behalf of the Defendant

P R O C E E D I N G S

THE CLERK: All rise for the Court and the jury.

(The Court and jury enter the courtroom at 9:21 a.m.)

THE CLERK: Be seated.

THE COURT: Good morning, jurors.

THE DELIBERATING JURORS: Good morning, your Honor.

THE COURT: The record will reflect that all deliberating jurors have returned as well as all the alternate jurors.

00:08 10 I ask you again whether you can tell me whether you
11 have abided by my instructions to avoid any discussion of the
12 case outside of the confines of the jury room, for the
13 deliberating jury.

14 THE DELIBERATING JURORS: Yes, sir.

15 THE COURT: And avoided any news reports or other
16 media reports of the case?

17 THE DELIBERATING JURORS: Yes.

18 THE COURT: Yes? All right. Thank you.

19 Now, just before we broke yesterday the jury had sent
00:09 20 in two questions, and I will now proceed to answer those
21 questions for you.

22 The first question has really two parts but -- and I
23 I'll separate them in giving the answers so that it is clear.
24 The first part of the question is, "Can a conspiracy pertain to
25 a sequence of events over multiple days or a distinct event?"

1 As you've been instructed, a criminal conspiracy is an
2 agreement between two or more people to commit an unlawful act
3 or acts. What the scope of the conspiracy was -- that is, what
4 the conspirators agreed to do jointly -- is a question of fact
5 for you to determine from your consideration of all the
6 evidence that you find may bear on that question. Similarly,
7 the duration of a conspiracy, how long it was to continue, is
8 also a question of fact for you to determine from all the
9 pertinent evidence.

00:10 10 A conspiracy may be limited in scope or duration
11 because that is what the conspirators agreed. Similarly, it
12 may be unlimited in scope or duration because that is what the
13 conspirators agreed.

14 For example, to return to our hypothetical crime of
15 selling apparel without providing a certificate of origin, two
16 or more persons might conspire to commit that offense. They
17 might agree to unlawfully sell a truckload of apparel that was
18 at hand and then be done with it, or they might agree to sell
19 as many truckloads as they could get their hands on for an
00:10 20 indefinite period of time into the future if that's what they
21 agreed on.

22 So the scope and duration of the conspiracy is to be
23 determined from your assessment of the evidence in the case as
24 it pertains to the conspiracies.

25 Now, as you pointed out in your question there are

1 three conspiracy counts: 1, 6 and 11. They each allege a
2 different conspiracy. It's possible that your conclusions
3 based on your evaluation of the evidence could be the same in
4 terms of duration and scope or they could be different. You
5 should give separate consideration to each of them.

6 I call your attention to the fact that in each of
7 Counts 1, 6 and 11 the indictment alleges that the conspiracy
8 existed from at least in or about February 2013 up to and
9 including on or about April 19th, 2013. So that is what the
00:11 10 allegation of the indictment is. You're not bound by that, of
11 course. The question is for you to evaluate whether that is
12 factually true on the evidence or not. But I just bring to
13 your attention that is what is alleged in the indictment.

14 You go on in the question to ask about Counts 1, 6 and
15 11. You ask, "On Counts 1, 6 and 11" -- those counts ask you
16 to find an answer to Subparts A, B, C and D -- "but we only
17 have to be unanimous for one. Do we have to consider all?"

18 The first question that each of -- on the verdict form
19 for each of Counts 1, 6 and 11 is whether you find the
00:12 20 defendant guilty or not guilty of that charge. If the answer
21 is guilty, then you are to proceed to answer all the subparts
22 of the questions that follow. To answer any of those questions
23 "yes," you must unanimously agree beyond a reasonable doubt on
24 that answer. To answer any of those questions "no," you must
25 unanimously agree. And if your answer to the first question is

1 "not guilty," then you proceed to the next count and do not
2 answer the subsidiary questions. You answer only if your
3 answer to the first question is "guilty."

4 The second question you have: "What is the difference
5 between aiding and abetting? Is there a differentiation
6 between the two? If there is phrasing of aiding and abetting,
7 it doesn't seem like there is evidence of both aiding and
8 abetting, but rather only aiding or abetting. How can it be
9 said that aiding and abetting took place?"

00:13 10 "Aiding and abetting" is a single concept. It is
11 sometimes said as "aiding and abetting" or it is sometimes said
12 as "aiding or abetting," but either formulation means exactly
13 the same thing. To aid and abet means to intentionally help
14 someone else commit a criminal offense. A person who aids and
15 abets the commission of a criminal offense by another person is
16 criminally responsible for the commission of that offense.

17 To prove -- as I instructed you, and as you have with
18 you in the jury room, to prove guilt by aiding and abetting,
19 the government must prove beyond a reasonable doubt, first,
00:14 20 that someone other than the defendant committed the crime
21 charged; and, second, that the defendant consciously shared the
22 other person's knowledge of the underlying criminal act,
23 intended to help him commit the crime, and willfully took part
24 in the criminal endeavor in some way seeking to help it
25 succeed. And again, of course, an act is done willfully if it

1 is done voluntarily and intentionally.

2 So those are my answers to the questions you put. We
3 ask you now to resume your deliberations. The clerk will
4 return to you the sealed envelope with the verdict slip in it
5 as well as your notebooks and other materials, all right?

6 MS. CONRAD: Your Honor, may we be heard briefly at
7 sidebar?

8 THE COURT: Yes.

9 (Discussion at sidebar and out of the hearing of the
00:15 10 jury:)

11 MS. CONRAD: I heard the government instruct as --
12 appropriately, as to they must find the scope and the duration.

13 THE COURT: You mean me. You said the government.

14 MS. CONRAD: Correct. Sorry. I meant the Court.

15 However -- and the Court also reminded them what was
16 charged in the indictment. But what the Court didn't say,
17 which we have requested and I thought the Court was going to
18 do -- it was somewhat incorporated but I can't find it right
19 now in the original instructions -- is that the government must
00:15 20 prove the conspiracy charged in the indictment.

21 So it's not sufficient if they find some other
22 conspiracy of shorter scope or shorter duration where the
23 government has charged an overarching conspiracy. That's not
24 enough to support a conviction.

25 THE COURT: Well, I'm not sure that's entirely

1 accurate. I think the answer is sufficient. Your objection is
2 noted.

3 MS. CONRAD: Thank you.

4 THE COURT: All right. I'll ask the jurors to
5 withdraw.

6 THE CLERK: All rise for the Court and the jury. The
7 Court will be in recess.

8 (The Court and jury exit the courtroom and there is a
9 recess in the proceedings at 9:29 a.m.)

04:37 10 THE CLERK: All rise for the Court and the jury.

11 (The Court and jury enter the courtroom at 2:05 p.m.)

12 THE CLERK: Will the deliberating jurors remain
13 standing, will the defense remain standing. Everyone else be
14 seated.

15 Madam foreperson, has the jury agreed upon a verdict?

16 THE FOREPERSON: We have.

17 THE CLERK: May I have the sheet, please.

18 (The verdict form is handed to the clerk.)

19 THE CLERK: Thank you.

04:54 20 THE FOREPERSON: You're welcome.

21 (The Court reviews the verdict form.)

22 THE COURT: All right. You may announce the verdict.

23 THE CLERK: In Criminal No. 13-10200, United States of
24 America versus Dzhokhar A. Tsarnaev, the verdict:

25 Count One: As to Count One of the indictment charging

1 conspiracy to use a weapon of mass destruction, we unanimously
2 find the defendant, Dzhokhar A. Tsarnaev: Guilty.

3 As to whether the conspiracy charged in Count One of
4 the indictment resulted in at least one of the four deaths
5 alleged in Count One, we unanimously find:

6 As to the death of Krystle Marie Campbell: Yes.

7 As to the death of Officer Sean Collier: Yes.

8 As to the death of Lingzi Lu: Yes.

9 As to the death of Martin Richard: Yes.

04:56 10 Count two: As to Count Two of the indictment charging
11 the use of a weapon of mass destruction (Pressure Cooker Bomb
12 No. 1) on or about April 15, 2013, in the vicinity of 671
13 Boylston Street in Boston, Massachusetts, and aiding and
14 abetting, we unanimously find the defendant, Dzhokhar A.
15 Tsarnaev: Guilty.

16 As to whether the offense charged in Count Two
17 resulted in the death of Krystle Marie Campbell, we unanimously
18 find: Yes.

19 Count Three: As to Count Three of the indictment
04:57 20 charging that the defendant used or carried a firearm (Pressure
21 Cooker Bomb No. 1) during and in relation to a crime of
22 violence, namely, use of a weapon of mass destruction as
23 charged in Count Two of this indictment, and aiding and
24 abetting, we unanimously find the defendant, Dzhokhar A.
25 Tsarnaev: Guilty.

1 As to whether the firearm charged in Count Three,
2 (Pressure Cooker Bomb No. 1) was discharged, we unanimously
3 find: Yes.

4 As to whether the firearm charged in Count Three
5 (Pressure Cooker Bomb No. 1) was a destructive device, we
6 unanimously find: Yes.

7 As to whether the defendant in the course of
8 committing the violation alleged in Count Three caused the
9 death of Krystle Marie Campbell through the use of a firearm,
04:58 10 and the killing was a murder, or aided or abetted another in
11 causing the death of Krystle Marie Campbell through the use of
12 a firearm, and the killing was a murder, we unanimously find:
13 Yes.

14 Count Four: As to Count Four of the indictment
15 charging use of a weapon of mass destruction (Pressure Cooker
16 Bomb No. 2) on or about April 15, 2013, in the vicinity of 755
17 Boylston Street in Boston, Massachusetts, and aiding and
18 abetting, we unanimously find the defendant, Dzhokhar A.
19 Tsarnaev: Guilty.

04:59 20 As to whether the offense charged in Count Four of the
21 indictment resulted in at least one of the two deaths alleged
22 in count four, we unanimously find:

23 As to the death of Lingzi Lu: Yes.

24 As to the death of Martin Richard: Yes.

25 As to Count Five of the indictment charging that the

1 defendant used or carried a firearm (Pressure Cooker Bomb No.
2 2) during and in relation to a crime of violence, namely, use
3 of a weapon of mass destruction as charged in Count Four of
4 this indictment, we unanimously find the defendant, Dzhokhar A.
5 Tsarnaev: Guilty.

6 As to whether the firearm charged in Count Five was
7 discharged, we unanimously find: Yes.

8 As to whether the firearm charged in Count Five was a
9 destructive device, we unanimously find: Yes.

05:00 10 As to whether the defendant, in the course of
11 committing the violation alleged in Count Five, caused one of
12 the two deaths alleged in Count Five, and the killing was a
13 murder, or aided or abetted another in causing one of the two
14 deaths alleged in Count Five, and the killing was a murder, we
15 unanimously find:

16 As to the death of Lingzi Lu: Yes.

17 As to the death of Martin Richard: Yes.

18 Count Six: As to Count Six of the indictment charging
19 conspiracy to bomb a place of public use, we unanimously find
05:00 20 the defendant, Dzhokhar A. Tsarnaev: Guilty.

21 As to whether the conspiracy charged in Count Six of
22 the indictment resulted in at least one of the deaths alleged
23 in Count Six, we unanimously find:

24 As to the death of Krystle Marie Campbell: Yes.

25 As to the death of Officer Sean Collier: Yes.

1 As to the death of Lingzi Lu: Yes.

2 As to the death of Martin Richard: Yes.

3 Count Seven: As to Count Seven of the indictment
4 charging the bombing of a place of public use (Pressure Cooker
5 Bomb No. 1) on or about April 15, 2013, in the vicinity of 671
6 Boylston Street, Boston, Massachusetts, and aiding and
7 abetting, we unanimously find the defendant, Dzhokhar A.
8 Tsarnaev: Guilty.

9 As to whether the offense charged in Count Seven
05:01 10 resulted in the death of Krystle Marie Campbell, we unanimously
11 find: Yes.

12 Count Eight: As to Count Eight of the indictment
13 charging that the defendant used or carried a firearm (Pressure
14 Cooker Bomb No. 1) during and in relation to a crime of
15 violence, namely, the bombing of a place of public use as
16 charged in Count Seven of this indictment, we unanimously find
17 the defendant, Dzhokhar A. Tsarnaev: Guilty.

18 As to whether the firearm charged in Count Eight
19 (Pressure Cooker Bomb No. 1) was discharged, we unanimously
05:02 20 find: Yes.

21 As to whether the firearm charged in Count Eight
22 (Pressure Cooker Bomb No. 1) was a destructive device, we
23 unanimously find: Yes.

24 As to whether the defendant, in the course of
25 committing the violation alleged in Count Eight, caused the

1 death of Krystle Marie Campbell through the use of the firearm,
2 and the killing was a murder, or aided or abetted another in
3 causing the death of Krystle Marie Campbell through the use of
4 the firearm, and the killing was a murder, we unanimously find:
5 Yes.

6 Count Nine: As to Count Nine of the indictment
7 charging the bombing of a place of public use (Pressure Cooker
8 Bomb No. 2) on or about April 15, 2013, in the vicinity of 755
9 Boylston Street, Boston, Massachusetts, and aiding and
05:03 10 abetting, we unanimously find the defendant, Dzhokhar A.
11 Tsarnaev: Guilty.

12 As to whether the offense charged in Count Nine of the
13 indictment resulted in the death of at least one of the two
14 persons alleged in Count Nine, we unanimously find:

15 As to the death of Lingzi Lu: Yes.

16 As to the death of Martin Richard: Yes.

17 Count Ten: As to Count Ten of the indictment charging
18 that the defendant used or carried a firearm (Pressure Cooker
19 Bomb No. 2) during and in relation to a crime of violence,
05:04 20 namely, the bombing of a place of public use as charged in
21 Count Nine of this indictment, we unanimously find the
22 defendant, Dzhokhar A. Tsarnaev: Guilty.

23 As to whether the firearm charged in Count Ten
24 (Pressure Cooker Bomb No. 2) was discharged, we unanimously
25 find: Yes.

1 As to whether the firearm charged in Count Ten
2 (Pressure Cooker Bomb No. 2) was a destructive device, we
3 unanimously find: Yes.

4 As to whether the defendant, in the course of
5 committing the violation alleged in Count Ten of the
6 indictment, caused the death of one of the two persons alleged
7 in Count Ten through the use of the firearm, and the killing
8 was a murder, or aided or abetted another in causing the death
9 of one of the two persons alleged in Count Ten through the use
05:05 10 of the firearm, and the killing was a murder, we unanimously
11 find:

12 As to the death of Lingzi Lu: Yes.

13 As to the death of Martin Richard: Yes.

14 Count Eleven: As to Count Eleven of the indictment
15 charging conspiracy to maliciously destroy property, we
16 unanimously find the defendant, Dzhokhar A. Tsarnaev: Guilty.

17 As to whether the conspiracy charged in Count Eleven
18 of the indictment resulted in at least one of the four deaths
19 alleged in Count Eleven, we unanimously find:

05:05 20 As to the Krystle Marie Campbell: Yes.

21 As to the death of Officer Sean Collier: Yes.

22 As to the death of Lingzi Lu: Yes.

23 As to the death of Martin Richard: Yes.

24 Count Twelve: As to Count Twelve of the indictment
25 charging malicious destruction of property by means of an

1 explosive (Pressure Cooker Bomb No. 1) on or about April 15,
2 2013, in the vicinity of 671 Boylston Street in Boston,
3 Massachusetts, and aiding and abetting, we unanimously find the
4 defendant, Dzhokhar A. Tsarnaev: Guilty.

5 As to whether the offense charged in Count Twelve of
6 the indictment resulted in personal injury to at least one
7 person, we unanimously find: Yes.

8 As to whether the offense charged in Count Twelve of
9 the indictment resulted in the death of Krystle Marie Campbell,
05:06 10 we unanimously find: Yes.

11 Count Thirteen: As to Count Thirteen of the
12 indictment charging that the defendant used or carried a
13 firearm (Pressure Cooker Bomb No. 1) during and in relation to
14 a crime of violence, namely, malicious destruction of property
15 as charged in Count Twelve of this indictment, we unanimously
16 find the defendant, Dzhokhar A. Tsarnaev: Guilty.

17 As to whether the firearm charged in Count Thirteen
18 was discharged, we unanimously find: Yes.

19 As to whether the firearm charged in Count Thirteen
05:07 20 was a destructive device, we unanimously find: Yes.

21 As to whether the defendant in the course of
22 committing the violation alleged in Count Thirteen caused the
23 death of Krystle Marie Campbell through the use of the firearm,
24 and the killing was a murder, or aided or abetted another in
25 causing the death of Krystle Marie Campbell through the use of

1 a firearm, and the killing was a murder, we unanimously find:
2 Yes.

3 Count Fourteen: As to Count Fourteen of the
4 indictment charging malicious destruction of property by means
5 of an explosive (Pressure Cooker Bomb No. 2) on or about April
6 15, 2013, in the vicinity of 755 Boylston Street in Boston,
7 Massachusetts, and aiding and abetting, we unanimously find the
8 defendant, Dzhokhar A. Tsarnaev: Guilty.

9 As to whether the offense charged in Count Fourteen
05:08 10 resulted in personal injury to at least one person, we
11 unanimously find: Yes.

12 As to whether the offense charged in Count Fourteen of
13 the indictment resulted in at least one of the two deaths
14 alleged in Count Fourteen, we unanimously find:

15 As to the death of Lingzi Lu: Yes.

16 As to the death of Martin Richard: Yes.

17 Count Fifteen: As to Count Fifteen of the indictment
18 charging that the defendant used or carried a firearm (Pressure
19 Cooker Bomb No. 2) during and in relation to a crime of
05:09 20 violence, namely, malicious destruction of property as charged
21 in Count Fourteen of this indictment, we unanimously find the
22 defendant, Dzhokhar A. Tsarnaev: Guilty.

23 As to whether the firearm charged in Count Fifteen
24 (Pressure Cooker Bomb No. 2) was discharged, we unanimously
25 find: Yes.

1 As to whether the firearm charged in Count Fifteen
2 (Pressure Cooker Bomb No. 2) was a destructive device, we
3 unanimously find: Yes.

4 As to whether the defendant, in the course of
5 committing the violation alleged in Count Fifteen of the
6 indictment, caused the death of one of the two persons alleged
7 in Count Fifteen, and the killing was a murder, or aided or
8 abetted another in causing the death of one of the two persons
9 alleged in Count Fifteen, and the killing was a murder, we
05:10 10 unanimously find:

11 As to the death of Lingzi Lu: Yes.

12 As to the death of Martin Richard: Yes.

13 Count Sixteen: As to Count Sixteen of the indictment
14 charging that on or about April 18, 2013, the defendant used or
15 carried a firearm (Ruger P95 9 mm semiautomatic handgun) during
16 and in relation to a crime of violence, namely, conspiracy to
17 use a weapon of mass destruction as charged in Count One of
18 this indictment, and aiding and abetting, we unanimously find
19 the defendant, Dzhokhar A. Tsarnaev: Guilty.

05:11 20 As to whether the firearm charged in Count Sixteen
21 (Ruger P95 9 mm semiautomatic handgun) was discharged, we
22 unanimously find: Yes.

23 As to whether the defendant, in the course of the
24 violation charged in Count Sixteen, caused the death of Officer
25 Sean Collier, and the killing was a murder, or aided or abetted

1 another in causing the death of Officer Sean Collier, and the
2 killing was a murder, we unanimously find: Yes.

3 Count Seventeen: As to Count Seventeen of the
4 indictment charging that on or about April 18, 2013, the
5 defendant used or carried a firearm (Ruger P95 9 mm
6 semiautomatic handgun) during and in relation to a crime of
7 violence, namely; conspiracy to bomb a place of public use as
8 charged in Count Six of this indictment, and aiding and
9 abetting, we unanimously find the defendant, Dzhokhar A.

05:12 10 Tsarnaev: Guilty.

11 As to whether the firearm charged in Count Seventeen
12 was discharged, we unanimously find: Yes.

13 As to whether the defendant, in the course of
14 committing the violation charged in Count Seventeen of the
15 indictment, caused the death of Officer Sean Collier, and the
16 killing was a murder, or aided or abetted another in causing
17 the death of Officer Sean Collier, and the killing was a
18 murder, we unanimously find: Yes.

19 Count Eighteen: As to Count Eighteen of the
05:12 20 indictment charging that on or about April 18, 2013, the
21 defendant used or carried a firearm (Ruger P95 9 mm
22 semiautomatic handgun) during and in relation to a crime of
23 violence, namely, conspiracy to maliciously destroy property as
24 charged in Count Eleven of this indictment, and aiding and
25 abetting, we unanimously find the defendant, Dzhokhar A.

1 Tsarnaev: Guilty.

2 As to whether the firearm charged in Count Eighteen
3 was discharged, we unanimously find: Yes.

4 As to whether the defendant, in the course of
5 committing the violation charged in Count Eighteen, caused the
6 death of Officer Sean Collier, and the killing was a murder, or
7 aided or abetted another in causing the death of Officer Sean
8 Collier, and the killing was a murder, we unanimously find:
9 Yes.

05:13 10 Count Nineteen: As to Count Nineteen of the
11 indictment charging carjacking and aiding and abetting, we
12 unanimously find the defendant, Dzhokhar A. Tsarnaev: Guilty.

13 As to whether the offense charged in Count Nineteen
14 resulted in serious bodily injury to Officer Richard Donohue,
15 we unanimously find: Yes.

16 Count Twenty: As to Count Twenty of the indictment
17 charging that on or about April 18, 2013, the defendant used or
18 carried a firearm (Ruger P95 9 mm semiautomatic handgun) during
19 and in relation to a crime of violence, namely, carjacking as
05:14 20 charged in Count Nineteen of this indictment, and aiding and
21 abetting, we unanimously find the defendant, Dzhokhar A.
22 Tsarnaev: Guilty.

23 As to whether the firearm charged in Count Twenty
24 (Ruger P95 9 mm semiautomatic handgun) was brandished, we
25 unanimously find: Yes.

1 Count Twenty-One: As to Count Twenty-One of the
2 indictment charging interference with commerce by threats or
3 violence on or about April 18, 2013, we unanimously find the
4 defendant, Dzhokhar A. Tsarnaev: Guilty.

5 Count Twenty-Two: As to Count Twenty-Two of the
6 indictment charging that on or about April 18, 2013, the
7 defendant used or carried a firearm (Ruger P95 9 mm
8 semiautomatic handgun) during and in relation to a crime of
9 violence, namely, interference with commerce by threats and
05:15 10 violence as charged in Count Twenty-One of this indictment, and
11 aiding and abetting, we unanimously find the defendant,
12 Dzhokhar A. Tsarnaev: Guilty.

13 As to whether the firearm charged in Count Twenty-Two
14 was brandished, we unanimously find: Yes.

15 Count Twenty-Three: As to Count Twenty-Three of the
16 indictment charging use of a weapon of mass destruction
17 (Pressure Cooker Bomb No. 3) on or about April 19, 2013, in the
18 vicinity of Laurel Street and Dexter Avenue in Watertown,
19 Massachusetts, and aiding and abetting, we unanimously find the
05:16 20 defendant, Dzhokhar A. Tsarnaev: Guilty.

21 Count Twenty-Four: As to Count Twenty-Four of the
22 indictment charging that the defendant used or carried a
23 firearm (Ruger P95 9 mm semiautomatic handgun and Pressure
24 Cooker Bomb No. 3) during and in relation to a crime of
25 violence, namely, use of a weapon of mass destruction, as

1 charged in Count Twenty-Three of this indictment, we
2 unanimously find the defendant, Dzhokhar A. Tsarnaev:

3 A. As to the Ruger P95 9 mm semiautomatic handgun:
4 Guilty.

5 B. As to Pressure Cooker Bomb No. 3: Guilty.

6 As to whether the Ruger P95 9 mm semiautomatic handgun
7 charged in Count Twenty-Four was discharged, we unanimously
8 find: Yes.

9 As to whether Pressure Cooker Bomb No. 3 charged in
05:17 10 Count Twenty-Four was discharged, we unanimously find: Yes.

11 As to whether Pressure Cooker Bomb No. 3 was a
12 destructive device, we unanimously find: Yes.

13 Count Twenty-Five: As to Count Twenty-Five of the
14 indictment charging use of a weapon of mass destruction (Pipe
15 Bomb No. 1) on or about April 19, 2013, in the vicinity of
16 Laurel Street and Dexter Avenue in Watertown, Massachusetts,
17 and aiding and abetting, we unanimously find the defendant,
18 Dzhokhar A. Tsarnaev: Guilty.

19 Count Twenty-Six: As to Count Twenty-Six of the
05:18 20 indictment charging that the defendant used or carried a
21 firearm (Ruger P95 9 mm semiautomatic handgun and Pipe Bomb No.
22 1) during and in relation to a crime of violence, namely, use
23 of a weapon of mass destruction as charged in Count Twenty-Five
24 of this indictment, and aiding and abetting, we unanimously
25 find the defendant, Dzhokhar A. Tsarnaev:

1 A. As to the Ruger P95 9 mm semiautomatic handgun:
2 Guilty.

3 B. As to Pipe Bomb No. 1: Guilty.

4 As to whether the Ruger P95 9 mm semiautomatic handgun
5 charged in Count Twenty-Five was discharged, we unanimously
6 find: Yes.

7 As to whether Pipe Bomb No. 1 charged in Count
8 Twenty-Five was discharged, we unanimously find: Yes.

9 As to whether Pipe Bomb No. 1 was a destructive
05:19 10 device, we unanimously find: Yes.

11 Count Twenty-Seven: As to Count Twenty-Seven of the
12 indictment charging use of a weapon of mass destruction (Pipe
13 Bomb No. 2) on or about April 19, 2013, in the vicinity of
14 Laurel Street and Dexter Avenue in Watertown, Massachusetts,
15 and aiding and abetting, we unanimously find the defendant,
16 Dzhokhar A. Tsarnaev: Guilty.

17 Count Twenty-Eight: As to Count Twenty-Eight of the
18 indictment charging that the defendant used or carried a
19 firearm (Ruger P95 9 mm semiautomatic handgun and Pipe Bomb
05:20 20 No. 2) during and in relation to a crime of violence, namely,
21 use of a weapon of mass destruction as charged in Count
22 Twenty-Seven of this indictment, and aiding and abetting, we
23 unanimously find the defendant, Dzhokhar A. Tsarnaev:

24 A. As to Ruger P95 9 mm semiautomatic handgun:
25 Guilty.

1 B. As to Pipe Bomb No. 2: Guilty.

2 As to whether the Ruger P95 9 mm semiautomatic handgun
3 charged in Count Twenty-Eight was discharged, we unanimously
4 find: Yes.

5 As to whether Pipe Bomb No. 2 charged in Count
6 Twenty-Eight was discharged, we unanimously find: Yes.

7 As to whether Pipe Bomb No. 2 was a destructive
8 device, we unanimously find: Yes.

9 Count Twenty-Nine: As to Count Twenty-Nine of the
05:21 10 indictment charging use of a weapon of mass destruction (Pipe
11 Bomb No. 3) on or about April 19, 2013, in the vicinity of
12 Laurel Street and Dexter Avenue in Watertown, Massachusetts,
13 and aiding and abetting, we find the defendant, Dzhokhar A.
14 Tsarnaev: Guilty.

15 Count Thirty: As to Count Thirty of the indictment
16 charging that the defendant used or carried a firearm (Ruger
17 P95 9 mm semiautomatic handgun and Pipe Bomb No. 3) during and
18 in relation to a crime of violence, namely, use of a weapon of
19 mass destruction as charged in Count Twenty-Nine of this
05:21 20 indictment, and aiding and abetting, we unanimously find the
21 defendant, Dzhokhar A. Tsarnaev:

22 A. As to the Ruger P95 9 mm semiautomatic handgun:
23 Guilty.

24 B. As to Pipe Bomb No. 3: Guilty.

25 As to whether Pipe Bomb No. 3 charged in Count Thirty

1 was brandished, we unanimously find: Yes.

2 As to whether the Ruger P95 9 mm semiautomatic handgun
3 charged in Count Thirty was discharged, we unanimously find:
4 Yes.

5 As to whether Pipe Bomb No. 3 was a destructive
6 device, we unanimously find: Yes.

7 Madam foreperson, is that your verdict?

8 THE FOREPERSON: Yes.

9 THE CLERK: And so say you all?

05:22 10 THE DELIBERATING JURORS: Yes.

11 THE COURT: Be seated for a moment, please.

12 Jurors, as you know, because the defendant is
13 convicted now on your verdict of capital offenses for which the
14 penalty of death may be imposed, we will proceed to a second
15 phase of the trial which we have colloquially referred to as
16 the "penalty phase."

17 You are still an active jury subject to your oath and
18 all the obligations that an active jury has. Those include
19 avoiding any discussion, of course, of the case. You may not
05:23 20 discuss your deliberations that have just concluded with
21 anyone, including each other. That is now in the past. There
22 is a task ahead of you that we have to look forward to. Leave
23 everything related to the deliberations behind.

24 If anyone tries to engage you about what the
25 deliberations involved, you are to respond that you're unable

1 under the law and the penalties that can be imposed -- to
2 refrain from any discussion of it whatsoever. Sometimes people
3 think because you have rendered a verdict, that your job is
4 over and they're free to ask you about that. That is not the
5 case under these circumstances. If anybody does try to
6 interview you or press you for information, and persists after
7 you tell them that you can't provide it, then report it to one
8 of the court officials immediately.

9 It's important now that you also avoid any discussion
05:24 10 of deliberations with the alternate jurors who now will rejoin
11 you as participants in the evidence phase of the penalty part
12 of the trial. The alternates will resume their position in the
13 box and hear the evidence going forward just as everybody else
14 will and, of course, stand ready, if necessary, to be
15 substituted for one of the first 12 jurors, if that should
16 happen to occur.

17 So I give you, as we break -- well, let me just say we
18 will proceed to the next phase. The schedule is as yet
19 undetermined. We will do it rather expeditiously. It will not
05:25 20 be tomorrow or the next day. It could be early next week, and
21 so you should hold yourselves ready to return as directed. The
22 jury clerk will get in touch with each of you individually to
23 tell you with as much notice as we can give you when you should
24 return. That applies again to everybody.

25 So I now repeat my usual cautions: No communications

1 with anyone about the case. Avoid news reports about the case.
2 There will probably be some today. Don't be tempted to look at
3 them. You're still under that restriction. And I think the
4 people that you live and associate with will understand that
5 under these circumstances, and we appreciate that.

6 And, of course, avoid any temptations to use social
7 media of any kind to talk in any way about your experience or
8 to do any investigating or anything else. You understand those
9 instructions and you've been very good about abiding by them.

05:26 10 I just continue to remind you of them.

11 All right. With that, we'll stand in recess.

12 THE CLERK: All rise for the Court and the jury. The
13 Court will be in recess.

14 (The Court and jury exit the courtroom and the
15 proceedings adjourned at 2:39 p.m.)
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C E R T I F I C A T E

I, Marcia G. Patrisso, RMR, CRR, Official Reporter of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of my skill and ability, a true and accurate transcription of my stenotype notes taken in the matter of Criminal Action No. 13-10200-GAO, United States of America v. Dzhokhar A. Tsarnaev.

/s/ Marcia G. Patrisso
MARCIA G. PATRISSE, RMR, CRR
Official Court Reporter

Date: 10/29/15